

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11609 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHAVNAGAR MUNI CORPN.

Versus

SHAH CHEMICALS & FERTILIZERS PVT. LTD.

Appearance:

MR JR NANAVATI for Petitioner

MR PK PANCHOLI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/09/97

ORAL JUDGMENT

1. Papers of this Special Civil Application have been placed on the Board on the note filed by learned counsel for respondent No.1.

2. This Special Civil Application has been filed by the petitioner against the order of appellate authority in the matter of Gujarat Public Premises (Eviction of Unauthorized Occupants) Act, 1972. It is not in dispute

that the respondent No.1 was a lessee and thereafter a dispute has arisen and the proceedings were initiated for eviction of the lessee from the land in dispute. The respondent has filed on record of the Special Civil Application, the Resolution of Bhavnagar Municipal Corporation dated 30th June 1997, under which the lease of the land in dispute has been extended in favour of respondent No.1, for a period of twenty years with effect from 15.12.85. In the said Resolution, it has also been resolved that the Corporation shall withdraw this Special Civil Application.

3. The learned counsel for the Corporation does not dispute this document on the ground that he has no instructions. However, in view of the aforesaid Resolution of the Corporation, this Special Civil Application has become infructuous. The appellate authority has only given direction to the Corporation to decide the matter of extension of grant of lease of the land in dispute to the petitioner, afresh. When this exercise has already been undertaken, now nothing survives in this Special Civil Application.

4. In the result, this Special Civil Application is dismissed as having become infructuous. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs. Liberty to the petitioner for revival of Special Civil Application in case of difficulty.

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(sunil)